

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>MARCO VELEZ,</b>	:	<b>CIVIL ACTION NO. 1:15-CV-75</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>JUAN BALAZAR,</b>	:	
	:	
<b>Respondent</b>	:	

## **ORDER**

AND NOW, this 6th day of September, 2017, upon consideration of the report (Doc. 15) of Chief Magistrate Judge Susan E. Schwab, recommending that the court dismiss the petition (Doc. 1) for writ of habeas corpus pursuant to 28 U.S.C. § 2241 by *pro se* petitioner Marco Velez (“Velez”) for lack of jurisdiction, and the court noting that Velez filed an objection (Doc. 16) to Judge Schwab’s report, and that respondent filed a brief (Doc. 21) in opposition thereto, and, following a *de novo* review of the contested portions of the report, see Behar v. Pa. Dep’t of Transp., 791 F. Supp. 2d 383, 389 (M.D. Pa. 2011) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n.3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(C)), and applying a clear error standard of review to the uncontested portions, see Cruz v. Chater, 990 F. Supp. 375, 376-78 (M.D. Pa. 1999), the court being in agreement with Judge Schwab that Velez’s improper challenge to his federal conviction and sentence must be dismissed for lack of jurisdiction, and finding Judge Schwab’s analysis to be thorough, well-reasoned, and fully supported

by the record, and further finding Velez's objection to be without merit and squarely addressed by Judge Schwab's report, it is hereby ORDERED that:

1. The report (Doc. 15) of Chief Magistrate Judge Schwab is ADOPTED.
2. The petition (Doc. 1) for writ of habeas corpus filed by petitioner Marco Velez ("Velez") is DISMISSED for lack of jurisdiction.
3. The court finds no basis to issue a certificate of appealability. See 28 U.S.C. § 2253(c); R. GOVERNING § 2254 CASES R. 11(a).
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania